

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

THE CITY OF HUNTINGTON,

Plaintiff,

v. CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN DRUG
CORPORATION, et al,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

vs.

AMERISOURCEBERGEN DRUG
CORPORATION, et al,
Defendants.

Videotaped and videoconference deposition of
LACEY R. KELLER, MA, taken by the Defendants pursuant to
the West Virginia Federal Rules of Civil Procedure, in
the above-entitled action, pursuant to notice, conducted
virtually via Zoom, before Twyla Donathan, Registered
Professional Reporter and Notary Public, on the 18th day
of September, 2020.

1 Q Is it your opinion in this matter that the
2 case defendants, the wholesale distributors who are
3 the defendants here, had the IQVIA data that you are
4 analyzing in the course of their business?

5 A No, I'm making the application that IQVIA
6 was widely available for purchase by the
7 pharmaceutical industry. We know for a fact that
8 based on internal documents from -- McKesson,
9 AmerisourceBergen, and Cardinal -- all three had
10 purchased some products from IQVIA. And what we're
11 trying to demonstrate here is the information that
12 could have been gleaned from distributors, had they
13 accessed the IQVIA Xponent data or some other similar
14 dataset.

15 Q So when you say the case defendants had
16 sufficient data, you mean it's your opinion that they
17 could have had, had they accessed something that they
18 haven't produced in this case, correct?

19 MR. LEDLIE: Object to form.

20 A But that statement starts with "based on my
21 analysis of the IQVIA data." We're saying based off
22 what we have seen in the IQVIA data, there was -- you
23 could understand the prescribing trends in Cabell
24 County.

1 data was available for purchase. They could have
2 purchased it. I don't know one way or another.

3 Q Did you undertake to determine whether or
4 not any of the case defendants had IQVIA Xponent data
5 in their actual possession?

6 A I determined that they were able to
7 purchase products from IQVIA and that they had
8 purchased products from IQVIA, and that has been
9 available to them for over 25 years.

10 Q My question was a little bit different than
11 that. Did you undertake to determine whether or not
12 any of the defendants had IQVIA Xponent data in their
13 possession and not as a result of the litigation?

14 MR. LEDLIE: Object to the form of the
15 question.

16 A I mean, I can't say one way or another for
17 certain, as I have not seen the CS data as we were
18 referring to earlier. That dataset I understood to
19 include portions of the Xponent data. I don't know
20 what it looks like beyond that, so I can't say one
21 way or another.

22 Q I think my questions aren't as clear as I
23 thought they were on this. So let me just clarify
24 and then I'll ask it again.

1 companies purchase it, including pharmaceutical
2 distributors purchase data from them.

3 Q Okay. Have you seen IQVIA Xponent datasets
4 and other IQVIA data cited in government research?

5 A I can't say that I've seen it in government
6 research, but I do know that government has purchased
7 that data, and peer reviewed articles also have
8 utilized that data.

9 Q Do you consider it authoritative and
10 reliable based on your knowledge as a data analyst as
11 a dataset that is capable of being used for
12 predictions?

13 MR. METZ: Objection. Form. Leading.

14 A I have not used the data for predictions,
15 but I will say that it is a reliable dataset and
16 widely used by industry -- everybody in the industry
17 appears to be using it, at least based off of the
18 records I have read from IQVIA. They say that it's
19 widely purchased by the pharmaceutical industry and
20 others, including regulators and payers and
21 pharmacies.

22 Q And lastly, Ms. Keller, can you just
23 explain to me -- you've mentioned a couple of times,
24 but I'm not sure that I have a full understanding. I